

MINUTES

BOARD OF EXAMINATION AND REGISTRATION OF ARCHITECTS

DATE: July 13, 2009

PLACE: Department of Business Regulation (DBR)
1511 Pontiac Avenue, Bldg 69-1 Conference Room
Cranston, RI 02920

MEMBERS PRESENT: Wilbur E. Yoder, David R. Prengaman, Barbara Feibelman, John K. Grosvenor, and Christian J. Ladds

MEMBERS ABSENT: None

OTHERS PRESENT: Richard W. Bernstein, DBR Executive Counsel
Brian J. Riggs, DBR Department Budget Administrator and
Representative for the DBR Director
Dawne Broadfield, Board Executive

CALLED TO ORDER: Vice-Chair Yoder called the meeting to order at 1:10 p.m. to commence Board business.

Mr. Grosvenor came at 1:25 p.m.

Attorney Bernstein and Mr. Riggs left at 3:50 p.m.

MINUTES OF THE MEETING OF THE BOARD

(1) Mr. Ladds moved to approve the open meeting minutes of June 8, 2009 as published. Vice-Chair Prengaman seconded. Motion approved.

(2) Mr. Ladds moved to approve and seal the executive session meeting minutes of the June 8, 2009 as published. Vice-Chair Prengaman seconded. Motion approved.

EXECUTIVE SESSION

(1) Secretary Feibelman moved to convene into executive session at 1:12 p.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Mr. Ladds seconded. Motion approved.

(2) Secretary Feibelman moved to adjourn from executive session and to reconvene to an open meeting at 1:14 p.m. pursuant to R.I.G.L. §42-46-4. Mr. Ladds seconded. Motion approved.

(3) Secretary Feibelman moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Mr. Ladds seconded. Motion approved. No votes were taken at this time.

(4) Secretary Feibelman moved pursuant to RI General Law §42-46-4

that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Mr. Ladds seconded. Motion approved.

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OLD BUSINESS

(1) Amendments to the “Rules and Regulations”

(Final Amendments Filed with RI Secretary of State – Effective July 16, 2009.)

The final Rules and Regulations amendments document was filed with the Rhode Island Secretary of State’s Office and will be effective on July 16, 2009.

Attorney Bernstein reported that the American Institute of Architects–Rhode Island Chapter (AIA/ri) President testified at the prior public hearing and was very supportive of what the Board proposed.

Secretary Feibelman moved to close and remove from the agenda. Mr. Ladds seconded. Motion approved.

(2) Record Retention Schedule

Ms. Broadfield reported that there is no update at this time and that

she spoke with Attorney Neena Savage, DBR Legal Division, to develop a Record Retention Schedule specifically for the Division of Design Professionals (the “Division”). Attorney Savage indicated that there are three (3) other Divisions ahead of this Division that she is working on, and that as long as the Division is currently operating under the General Schedule at this time, that it is acceptable and this Division is currently on hold.

Mr. Ladds moved to continue. Secretary Feibelman seconded. Motion approved.

(3) 2009 Legislative Session

Attorney Bernstein updated the Board on the two (2) bills introduced by the Department of Business Regulation (DBR) Director’s Office. Attorney Bernstein reported that technically the legislature is still in session and has not legally adjourned. Reportedly, the legislature is coming to come back into Session sometime by the end of the month to finish unfinished business. Some of the legislation, as previously reported, involving DBR and the Boards is currently in limbo.

The Budget Article 12, Section 10-13 passed affecting the fees of the four (4) Boards within the Division of Design Professionals (the “Division”) that resulted in a net income reduction for this Board. Attorney Bernstein stated that the implementation of the fees was a surprise to DBR in that there was no contact by the Legislature with

DBR. Attorney Bernstein told the Board the he gave his legal interpretations to Mrs. Broadfield on how to apply the fees given some of the ambiguities in the language. In summary, there was a general sixty-dollar (\$60) fee imposed on specific registrations. Attorney Bernstein did not believe that the intent was to diminish revenues, so it maybe something to discuss for a possible legislative change in the next Session.

Secretary Feibelman moved to continue since the Legislature has not legally adjourned. Mr. Ladds seconded. Motion approved.

(4) On-line Renewals for “Individuals”

Present at 2:04 p.m. were: Thomas Viall, RI.gov General Manager, Joe Alba, RI.gov Director of Development, Albert Smith, DBR, Agency IT Manager; John Morrisette, DBR, IT Dept.; and Lois Marshall, DBR, Design Professionals, Administrative Assistant.

Mr. Viall gave an overview of the ownership and operation of RI.gov and then he and Mr. Alba gave a demonstration of the on-line renewal application. Several questions were asked and answered.

Secretary Feibelman moved that the Board go ahead with on-line renewals with this year’s renewal registration, subject to RI.gov furnishing to the Board an up and running model of the on-line renewal application by August 15, 2009, subject to review of the

underlying on-line content by the administrative staff, legal staff and Board members. There will be a six-dollar (\$6) enhanced access fee that will be computed and reviewed annually. As a gesture of good will, RI.gov agreed not to increase this fee for the next renewal cycle. The Biennial Renewal Notification will be sent in paper form in an envelope. Mr. Ladds seconded. Motion approved.

Mr. Viall, Mr. Alba, Mr. Smith, Mr. Morrisette and Mrs. Marshall left at 3:04 p.m.

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(5) Tax Certification

Attorney Bernstein reported that there has been an ongoing question about whether or not registrants had to comply with Tax Certification as licensees have to comply. The Contractor's Registration Board has an opinion from the Attorney General that indicated that the registrants were exempt. The Department of Administration (DOA), Legal Division, upheld DBR's legal interpretation and agreed that all registrants must comply with the Tax Certification, since registrants are equal to licensees and therefore, if a registrant is delinquent in owing taxes to the State of Rhode Island, the Board cannot issue that registrant an initial or renewal registration. All other Divisions within DBR are or will be requiring this certification. Mrs. Broadfield reported that she has already instituted the Tax Certification in paper form for all applications received.

Secretary Feibelman moved to amend the Tax Certification form to add “firm information.” Mr. Grosvenor seconded. Motion approved.

BLUE BOOKS (RECIPROCITY)

(A) Secretary Feibelman moved to approve the following Blue Books as submitted with an expiration date of December 31, 2009. Mr. Grosvenor seconded. Motion approved.

- (1) BINETTE, Michael D. (4) HENNESSEY, Sr., Joseph James**
- (2) CRITCHFIELD, Ryan (5) KAMAL, Leila R.**
- (3) ELDER, Elliott Clay**

(B) Secretary Feibelman moved to approve the following Blue Books as submitted with an expiration date of December 31, 2009 pending receipt of a new check in the amount of \$60 to replace the \$200 check that was originally submitted, to comply with the new fee effective July 1, 2009 and also the receipt of the required original “Tax Affidavit” also effective July 1, 2009. Mr. Grosvenor seconded. Motion approved.

- (1) HARMON, Glenn L. (2) McCRACKEN, Ken**

BLUE BOOK (REINSTATEMENT)

(A) Secretary Feibelman moved to approve the reinstatement of the Blue Book as presented with an expiration date of December 31, 2009.

Mr. Grosvenor seconded. Motion approved.

(1) LYNCH, J. Christopher, #2454

CERTIFICATES OF AUTHORIZATION (COA) APPLICATIONS (See Attached List)

(A) Mr. Ladds moved to approve the application for the Certificate of Authorization for the Sole Proprietorship for Daniel Herchenroether as submitted. Mr. Grosvenor seconded. Motion approved.

(B) Mr. Ladds moved to approve the application for the Certificate of Authorization for the Limited Liability Company (LLC) for CMDI Architecture, LLC as submitted. Mr. Grosvenor seconded. Motion approved.

(C) Mr. Ladds moved to approve the applications for the Certificates of Authorization for the Corporations for Anshen & Allen, Architects, Inc.; Barry R. Smith, P.C., Architect; Chan Krieger Sieniewicz, Inc.; CRB Architects – Engineers P.C.; GWWO, Inc. / Architects; MRA Architectural Services, Inc.; and Warrenstreet Architects, Inc. as submitted. Mr. Grosvenor seconded. Motion approved.

(D) Mr. Ladds moved to withdraw the application for the Certificate of Authorization for the Corporation for Centerbrook Architects and Planners, LLP as submitted. Mr. Grosvenor seconded. Motion

approved.

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NEW BUSINESS

(1) Discussion on Legislative Changes to the Rhode Island General Laws governing “Architects”

Discussion occurred and items were identified on suggested legislative changes previously discussed as follows:

(A) To allow “Phishing” - (§5-1-7)

- **Most states allow if a person holds a NCARB Certificate and is registered in another jurisdiction**

After discussion, the Board decided to delete “or offer to practice” listed twice to read as follows:

§5-1-7 (a)(1) and §5-1-7 (b)(1) Practice or offer to practice architecture in this state;

(B) To review entities with the NCARB Model Law – definitions of entities have to match RI Law (Secretary of State) - (§5-1-15.1)

- (Review “Rule 2.11”)

After discussion, the Board decided not to pursue this item any further.

(C) To review §5-1-15.1 (ownership)

- (See NCARB Legislative Guidelines)

After discussion, the Board decided that Attorney Bernstein contact the National Council of Architectural Registration Boards (NCARB), Legal Counsel Daniel Taylor, to pose a question to him about non-architects actually controlling the firm. The ownership language is outlined in the NCARB 2008-2009 Legislative Guidelines, V Firm Practice. This Board’s interpretation is 2/3rds of the actual bodies is required, as opposed to 2/3rds of the actual ownership. The questions are does Rhode Island law actually model the NCARB law and has Mr. Taylor encountered any problems with this requirement. Secretary Feibelman will email Attorney Bernstein the issue to address with Mr. Taylor.

(D) To review timing of “Officer” in relation to “NCARB Annual Meeting” and starting a “New Term.” - (§5-1-3)

After discussion, the Board decided not to pursue this item any further.

(E) To review “Return Stamp” mandated by Law (Remove?) - (§5-1-12)

This has been continued for discussion.

(F) If law passes, “Administrative Procedures and Processes” for Boards and Commissions under DBR.

This item has been placed on hold until the Legislature officially acts on it and adjourns the session.

After discussion and review, Secretary Feibelman moved to continue the discussion on all of the legislative changes to next month. Mr. Ladds seconded. Motion approved.

(2) Review of “Form Letters” signed by the Board Secretary

The Board reviewed the following “Form Letters:” Reciprocity Approval; Stamp Authorization; Wall Certificate; Certificate of Authorization (COA) Sole Proprietorship Approval; COA - Request for Certificate of Good Standing from Rhode Island Secretary of State for Corporations and Limited Liability Companies; COA – Request for Certificate of Good Standing from Rhode Island Secretary of State for Limited Liability Partnerships; COA Amended Name Change Approval Requesting Certificate of Good Standing from Rhode Island Secretary of State; COA Amended Change in Responsible Control Approval; and Confirmation of Registrant in Good Standing in Rhode Island

being Sent to Another State.

Changes were made for the following “Form Letters:”

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(A) The “Reciprocity Approval Letter” was changed to read as follows:

Only firms holding current Certificates of Authorization (COA) may practice or offer to practice architecture in the State of Rhode Island. Enclosed please find an application for COA that must be completed and returned to this office in order for the firm you to practice or offer to practice architecture in the State of Rhode Island.

(B) The “Stamp Authorization letter” was a concern of Attorney Bernstein that there is only one stamp dealer that a registrant can use. This is done for uniformity purposes.

(3) DBR Enforcement Actions (Publishing on Websites)

Attorney Bernstein told the Board that DBR has a section on its website for Enforcement Actions. This is utilized for all DBR Divisions to post enforcement actions taken against its licensees/registrants for public information purposes. Attorney Bernstein asked the Board in order to keep uniformity and since it is a “common practice” within DBR, would the Board be willing to post its

enforcement actions on the DBR website.

Mr. Grosvenor moved to continue so that the Board members can review the DBR Enforcement Actions section of the website. Vice-Chair Prengaman seconded. Motion approved.

(4) Correspondence from Eric J. Wishart, PE, to the State Building Code Commissioner asking for consideration of an amendment to the State Building Code during the next code adoption cycle.

After review and discussion, it was noted that the suggested change would require one set of permit documents to contain a wet stamp and a wet signature.

Secretary Feibelman moved to continue to talk to a former Board member, who is also a member of that State Building Code Standards Committee. Vice-Chair Prengaman seconded. Motion approved.

(5) National Council of Architectural Registration Boards (NCARB) – Electronic Score Reporting.

Secretary Feibelman moved to “Opt-in” to the NCARB Electronic Score Reporting program. Mr. Ladds seconded. Motion approved.

(6) Open Government Seminar

Attorney Bernstein reported that the Department of the Attorney General is holding an Open Government Seminar on access to “public records” and “open meetings” at Roger Williams University and invited the Board members if they were interested in attending.

ADJOURNMENT

Vice-Chair Yoder announced that the next meeting of the Board is scheduled for August 17, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-1, Cranston, RI 02920. Secretary Feibelman moved to adjourn the meeting at 4:02 p.m. Mr. Grosvenor seconded. Motion approved.

Respectfully submitted,

Barbara Feibelman, AIA

Secretary

BF/dmb

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C. O. A. APPLICATIONS

Board Meeting of JULY 13, 2009

SOLE PROPRIETORSHIPS

DANIEL HERCHENROETHER - 0 - APPROVED – 07/13/09

LIMITED LIABILITY COMPANIES

CMID ARCHITECTURE, LLC - 0 - APPROVED – 07/13/09

CORPORATIONS

ANSHEN & ALLEN, ARCHITECTS, INC. \$100. APPROVED – 07/13/09

BARRY R. SMITH, P.C., ARCHITECT \$100. APPROVED – 07/13/09

CHAN KRIEGER SIENIEWICZ, INC. \$100. APPROVED – 07/13/09

CRB ARCHITECTS – ENGINEERS P.C. \$100. APPROVED – 07/13/09

GWWO, INC./ ARCHITECTS \$100. APPROVED – 07/13/09

MRA ARCHITECTURAL SERVICES, INC. \$100. APPROVED – 07/13/09

WARRENSTREET ARCHITECTS, INC. \$100. APPROVED – 07/13/09

WITHDRAWAL

**CENTERBROOK ARCHITECTS AND WITHDRAWN – 07/13/09
PLANNERS, LLP**

Will continue operating as an LLC in RI - #ALLC21

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